

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

TRAMOND SWINT,

Plaintiff,

v.

WALMART INC.,

Defendant.

Case No.: 2009-CV-1931

MOTION TO REMAND

Plaintiff, Tramond Swint, in support of his Motion to Remand of the above captioned action to the United States District Court, District of South Carolina, Charleston Division, from the Court of Common Pleas for the Fifteenth Judicial Circuit, County of Georgetown, State of South Carolina states:

1. The Defendant was served via certified mail on June 22, 2009 with the Summons and Complaint in the above captioned matter in the Court of Common Pleas for the Fifteenth Judicial Circuit, County of Georgetown, State of South Carolina. The civil court case number assigned was 2009-CP-22-0863. A copy of the Summons and Complaint is attached hereto as Exhibit A.
2. The Plaintiff filed his Summons and Complaint on June 10, 2009 pleading damages as a result of defamation, slander, violation of a clear mandate of public policy and the intentional infliction of emotional distress. The Plaintiff alleges in his Complaint that he was unjustly accused, arrested and prosecuted for the alleged theft of a money bag from Walmart Stores. Further, the Plaintiff contends that Walmart maliciously published these false accusations on several occasions resulting in numerous damages.
3. The Plaintiff concedes that at the time the Complaint was served and on the date of

removal, that the Defendant was and is a legal entity formed under the laws of a state other than South Carolina with its principal place of business in a state other than South Carolina. The Plaintiff is a citizen and resident of Georgetown County, State of South Carolina. Upon information and belief the Defendant, is a corporation organized and existing under the laws of Arkansas. Therefore, at the time the Complaint was served and at the time of the Defendants removal, Plaintiff and Defendant were citizens and residents of different states. Although the Plaintiff did not specifically allege damages of \$75,000.00 or less, the Plaintiff's damages to his reputation and for his emotional distress would not exceed \$75,000.00. The Plaintiff hereby consents to limiting his damages to no more than \$75,000.00 for the damages he has suffered by the malicious actions of the Defendant.

4. This Motion to Remand is being filed within the time period required under the Federal Rules.

5. A true and correct copy of this Motion to Remand will also promptly be filed with the Clerk of Court of Common Pleas for the Fifteenth Judicial Circuit, County of Georgetown, State of South Carolina.

6. Written notice of the Motion to Remand will be given to the adverse parties as required.

7. This Motion is signed in accordance with Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, the Plaintiff request that this action be remanded from the United States District Court, District of South Carolina, Charleston Division to the Court of Common Pleas for the Fifteenth Judicial Circuit, County of Georgetown, State of South Carolina.

Signature Page to Follow

s/ William J. Luse

William J. Luse, Federal ID No. 09736

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Attorney for the Plaintiff

July 30, 2009
Myrtle Beach, SC